

REMARKS

Foreign Priority

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

Status Of Application

Claims 1-43 are pending in the application; the status of the claims is as follows:

Claims 16-38 are allowed.

Claims 10 and 39 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,774,601 to Mahmoodi (hereinafter "Mahmoodi").

Claims 11 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mahmoodi in view of U.S. Patent No. 5,793,379 to Lapidous (hereinafter "Lapidous").

Claims 12-14 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mahmoodi in view of Lapidous, and further in view of U.S. Patent No. 5,999,949 to Haruki (hereinafter "Haruki").

Claims 15, 42, and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mahmoodi in view of U.S. Patent No. 5,734,427 to Havashi (hereinafter "Havashi").

Drawings

The indication, in the Office Action, that the Examiner has accepted the drawings filed June 19, 1998, is noted with appreciation.

Claim Amendments

Claims 10 and 39 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 25 and 30 have been amended to correct a typographical error, are not necessitated by the prior art, and are unrelated to the patentability of the invention over the prior art. The amendments and do not introduce any new matter.

Allowable Subject Matter

The allowance of claims 16-38, by the Examiner, is noted with appreciation.

35 U.S.C. § 102(e) Rejection

The rejection of claims 10 and 39 under 35 U.S.C. § 102(e) as being anticipated by Mahmoodi, is respectfully traversed based on the following.

Mahmoodi discloses interpolating image data for visual presentation, wherein an interpolation kernel is selected based on a desired characteristics of the visible representation of the image. *See* Abstract and column 1, lines 15-19. For example, an interpolation kernel is selected based on a format of the presentation, a type of presentation media, and an appearance characteristic. *See* Fig. 3 and column 17, lines 50-54. However, Mahmoodi fails to disclose, or even suggest, any form of interpolation when image data is to be stored on a digital storage medium, *e.g.*, when the image data is not going to be immediately displayed or otherwise presented to a user. Accordingly, it is respectfully submitted that Mahmoodi fails to teach an apparatus including “a recorder for recording image data transferred from said imaging device into a specified digital storage medium,” and “an interpolating portion ... executing a second interpolation different from the first interpolation when recording by the recorder,” as required by amended claim 10. Analogously, with respect to claim 39, it is respectfully submitted that Mahmoodi fails to disclose an image data processing method that including “executing a varied interpolating process depending on whether the captured image is to be displayed or recorded on the

digital storage medium.” Therefore, Mahmoodi cannot anticipate claims 10 and 39, because it fails to disclose each element of the subject claims.

Accordingly, it is respectfully requested that the rejection of claims 10 and 39 under 35 U.S.C. § 102(e) as being anticipated by Mahmoodi, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejections

The rejection of claims 11-15 and 40-43 under 35 U.S.C. § 103(a), as being unpatentable over Mahmoodi in various combinations with Lapidous, Haruki, and Havashi, is respectfully traversed based on the following.

As applied above in respect of claims 10 and 39, Mahmoodi fails to suggest applying different types of interpolation depending on whether image data is being visibly reproduced or being stored to a digital storage medium, *i.e.*, not visibly produced. It is respectfully submitted that the other art cited in the present application also fails to provide any teaching regarding this aspect of claims 10 and 39. Therefore, claims 10 and 39 distinguish over any combination of Mahmoodi, Lapidous, Haruki, and Havashi, as do claims 11-15 and 40-43 which depend from claims 10 and 39, respectively.

Accordingly, it is respectfully requested that the rejection of claims 10-15 and 40-43 under 35 U.S.C. § 103(a) as being unpatentable over Mahmoodi in various combinations with Lapidous, Haruki, and Havashi, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims.

Application No. 09/100,799
Amendment dated April 7, 2005
Reply to Final Office Action of January 11, 2005

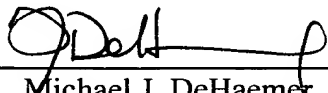
Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: 

Michael J. DeHaemer
Registration No. 39,164
Attorney for Applicants

MJD:pm:bar
SIDLEY AUSTIN BROWN & WOOD LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3335
Main: (214) 981-3300
Facsimile: (214) 981-3400
April 7, 2005